

NATURAL RESOURCES MANAGEMENT GUIDE

**US DEPARTMENT OF AGRICULTURE
PENNSYLVANIA**



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Foreword:

The National Environmental Policy Act of 1969 (NEPA) requires all Federal agencies to consider the values of environmental preservation for all significant actions and prescribes procedural measures to ensure that those values are fully respected. Federal Agencies are required to systematically assess the environmental impacts of their proposed actions and consider alternative methods for accomplishing their missions in ways which are less damaging to the environment.

This Natural Resources Management Guide (NRM Guide) will serve as a Pennsylvania supplement to USDA regulations, 7CFR Part 1940 G & 7 CFR Part 1794, and will be used as a tool in completing environmental assessments for federal actions.



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Part I – Introduction

1.0 Purpose: The Natural Resources Management Guide (NRM Guide) is intended to provide applicants and their consultants an inventory of environmental factors and the points of contact with the appropriate State, Federal and local agencies that provide jurisdictional oversight of such natural, environmental and socio-economic factors. The NRM Guide shall summarize the various standards or types of Federal, State or local protection that apply to the natural resources, land uses and other environmental factors.

The NRM Guide is a supplement to FmHA Instruction 1940-G, to implement the Environmental Program for Rural Housing Service (RHS), Community Facilities (CF), and Rural Business & Cooperative Service (RBS), - except the Empowerment Zones/ Enterprise Communities (EZ/EC) - under USDA Rural Development. It also serves as a supplement to Rural Utilities Service (RUS) Environmental Regulations 7CFR 1794 and RUS Bulletin 1794A-602 in implementing the RUS and EZ/EC programs under Rural Development.

In addition, the NRM Guide will also serve as a resource to identify the sources for obtaining information to complete the Uniform Environmental Review (UER) process. The UER is intended to standardize the process of documenting the environmental effects of projects requesting approvals or financial assistance from the following agencies and programs in PA:

- Environmental Protection Agency (EPA),
- Department of Environmental Protection (DEP),
- Department of Community and Economic Development (DCED) for Community Development Block Grant (CDBG),
- Pennsylvania Infrastructure Investment Agency (PENNVEST), and
- USDA Rural Development (RD) in Pennsylvania.

1.1 Background: All applicants for funding under federal programs must provide the agency with sufficient information to complete an appropriate environmental evaluation, to be compliant with National Environmental Policy Act (NEPA) and other planning and review procedures required by law. For programs under 1940G, the information is to be provided with Form RD 1940-20. For programs under 7CFR 1794, it is to be provided within the Environmental Report (ER). The funding agency will use such information for conducting the appropriate environmental review. The environmental review process must be conducted at the earliest possible stage of project planning. The ER should be prepared concurrent with the Preliminary Engineering Report (PER).

1.2 USDA Policy: The funding agency will define the scope and category of environmental assessment required for the action. The applicant shall take no action, which would have an adverse environmental impact or limit the choice of reasonable alternatives being considered in the environmental review process (40 CFR 1506.1), until the agency concludes its environmental review process. Rural Development shall assist applicants and their consultants by providing guidance and oversight in the development of environmental review documents.

Documentation shall not be considered complete until all public notices are issued, public review periods have expired and the decision document, a Finding of No Significant Impact (FONSI) or a decision to prepare an environmental impact statement has been issued. Applicants should consult with the funding agency at the earliest stages of planning, prior to obtaining the services of an environmental consultant, to determine the scope of documentation.

When conducting the environmental review, the applicant, their consultant or Rural Development will correspond with the appropriate regulatory/ jurisdictional agencies. All copies of that correspondence will be included in the environmental file or ER, as applicable.

If the scope of a project is revised after the Environmental Report/ Document is accepted by the agency, the applicant or their consultant must supplement or revise the ER as necessary, including further consultation with regulatory agencies if needed.

1.3 Copies of NRM Guide: Copies of the USDA Natural Resources Management Guide for Pennsylvania may be obtained at any USDA - Rural Development office in Pa. It is also available at www.rurdev.usda.gov/pa



Part II – Abbreviations, Acronyms & Agency Contacts

2.1 Federal Agency Abbreviations

Agency Abbreviation	Agency Name
ACHP	Advisory Council on Historic Preservation
APHIS	Animal Plant Health Inspection Service
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
COE or USACE	U.S. Army Corps of Engineers
CPSC	Consumer Product Safety Commission
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FDA	Food and Drug Administration
FEMA	Federal Emergency Management Agency
FS	U.S. Forest Service
FSA	Farm Service Agency
FWS	U.S. Fish and Wildlife Service
HUD	Department of Housing and Urban Development
MSHA	Mine Safety and Health Administration
NMFS	National Marine Fisheries Services
NOAA	National Oceanic Atmospheric Administration
NPS	National Park Service
NRCS	National Resource Conservation Service
OSHA	Occupational Safety and Health Administration
RD	Rural Development, USDA
RUS	Rural Utilities Service, USDA
USGS	U.S. Geological Survey

Part II – Abbreviations, Acronyms & Agency Contacts (Continued)

2.2 Other Agencies Abbreviations

Agency Abbreviation	Agency Name
CD	(County) Conservation District
FLP	Farm Loan Program (USDA FSA)
PA DEP	PA Dept of Environmental Protection
PENN DOT	PA Department of Transportation
PENNVEST	PA Infrastructure Investment Authority
PNDI	PA Natural Diversity Inventory
RBS	Rural Business Service (USDA RD)
RHS	Rural Housing Service (USDA RD)
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer



2.3 Environmental Terms & Acronyms

Abbreviation	Environmental Term
A&C	Abatement and Control
ACBM	Asbestos Containing Building Material
ACFM	Actual Cubic Feet Per Minute
ACM	Asbestos Containing Material
ACWM	Asbestos-Containing Waste Material
ADT	Average Daily Traffic
AFA	American Forestry Association
AFO	Animal Feeding Operation
AI	Active Ingredient
AL	Acceptable Level
ALR	Action Leakage Rate
APE	Area of Potential Effect
AST	Above Ground Storage Tank
ASTM	American Society for Testing and Materials
BIOPLUME	Model to Predict the Maximum Extent of Existing Plumes
BMP	Best Management Practice(s)
BMR	Baseline Monitoring Report
BO	Budget Obligations
BSO	Benzene Soluble Organics
CAFO	Concentrated Animal Feeding Operation
CAR	Corrective Action Report
CASRN	Chemical Abstracts Service Registry Number
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act (1980)
CFC	Chlorofluorocarbons
CFM	Chlorofluoromethanes
CNG	Compressed Natural Gas
CSIN	Chemical Substances Information Network
CWA	Clean Water Act
CWAP	Clean Water Action Project
CZARA	Coastal Zone Management Act Reauthorization Amendments
CZMA	Coastal Zone Management Act
DPD	Method of Measuring Chlorine Residual in Water
DSCF	Dry Standard Cubic Feet
DSCM	Dry Standard Cubic Meter
DWS	Drinking Water Standard
EA	Environmental Assessment
EAP	Environmental Action Plan
EDB	Ethylene Dibromide
EDC	Ethylene Dichloride
EIS	Environmental Impact Statement
EOT	Emergency Operations Team
EPNL	Effective Perceived Noise Level

EQIP	Environmental Quality Incentives Program
ER	Environmental Report
ERCS	Emergency Response Cleanup Services
ERT	Emergency Response Team
ESA	Environmental Site Assessment
ESCA	Electron Spectroscopy for Chemical Analysis
ESH	Environmental Safety and Health
FLP	Flash Point
FLPMA	Federal Land Policy and Management Act
FMP	Facility Management Plan
FONSI	Finding of No Significant Impact
FP	Fine Particulate
FPA	Federal Pesticide Act
FPPA	Farmland Protection Policy Act
FUA	Fuel Use Act
FWPCA	Federal Water Pollution and Control Act
GAC	Granular Activated Carbon
GPAD	Gallons-per-acre-per-day
GWM	Groundwater Monitoring
HAP	Hazardous Air Pollutant
HAZMAT	Hazardous Materials
HEPA	High-Efficiency Particulate Air (filter)
HFC	Hydrofluorocarbon
HI	Hazard Index
HMTA	Hazardous Materials Transportation Act
HW	Hazardous Waste
HWLT	Hazardous Waste Land Treatment
HWM	Hazardous Waste Management
IA	Interagency Agreement
IAQ	Indoor Air Quality
ICWM	Institute for Chemical Waste Management
IPM	Integrated Pest Management
IUP	Intended Use Plan
IWC	In-Stream Waste Concentration
JPA	Joint Permitting Agreement
LDS	Leak Detection System
LESA	Land Evaluation and Site Assessment
LFG	Landfill Gas
LOD	Limit of Detection
LUST	Leaking Underground Storage Tank
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MEP	Multiple Extraction Procedure
MOA	Memorandum of Agreement
MOE	Margin of Exposure
MOS	Margin of Safety
MOU	Memorandum of Understanding

MRF	Materials Recovery Facility
MRL	Maximum-Residue Limit
MSW	Municipal Solid Waste
NAAQS	National Ambient Air Quality Standards
NACA	National Agricultural Chemical Association
NHPA	National Historic Preservation Act
NOA	Notice of Arrival
NOAC	Nature of Action Code
NOI	Notice of Intent
NPL	National Priority List
O&M	Operations and Maintenance
ORM	Other Regulated Material
PDCI	Product Data Call-In
PHSA	Public Health Service Act
PM	Particulate Matter
PMS	Program Management System
PO	Project Officer
PRN	Pesticide Registration Notice
PRP	Potentially Responsible Party
PS	Point Source
PVC	Polyvinyl Chloride
PWS	Public Water Supply System
RCRA	Resource Conservation and Recovery Act
RD/RA	Remedial Design/Remedial Action
RI	Remedial Investigation
RIP	RCRA Implementation Plan
RLL	Rapid and Large Leakage (Rate)
ROD	Record of Decision (EIS)
ROG	Reactive Organic Gases
RQ	Reportable Quantities
S&A	Sampling and Analysis
SCC	Source Classification Code
SDWA	Safe Drinking Water Act
SEA	State Enforcement Agreement
SEC	State Environmental Coordinator (USDA)
SIP	State Implementation Plan
SMP	State Management Plan
SOW	Scope of Work (Contracts)
SSA	Sole Source Aquifer
STM	Society of Testing and Materials
SV	Sampling Visit
TDS	Total Dissolved Solids
TLV	Threshold Limit Value
TOA	Trace Organic Analysis
TOC	Total Organic Carbon
TPY	Tons Per Year
TSD	Technical Support Document

TSQ	Transaction Screen Questionnaire
TTO	Total Toxic Organic
TSCA	Toxic Substance Control Act
TVA	Tennessee Valley Authority
UAQI	Uniform Air Quality Index
UCL	Upper Control Limit
UER	Uniform Environmental Review Process for Pa
USC	Unified Soil Classification
USEPA	United States Environmental Protection Agency
UST	Underground Storage Tank
VCP	Voluntary Cleanup Program
VE	Visual Emissions



2.4 Agencies contacts - Address, Telephone & Web Sites

Agency/Resources	Telephone	Web sites
Advisory Council on Historic Preservation		http://www.achp.gov
American Heritage Rivers		www.epa.gov/rivers/98rivers/
Ask Questions About DEP	717-783-2300	ra-epaskdep@state.pa.us
AT&T Relay Service	TDD- 800-654-5984	
Bureau of Indian Affairs (BIA)		http://www.doi.gov/bureau-indian-affairs.html
Clean Air Information		cleanair@state.pa.us
County Conservation Districts		www.pacd.org
DEP Citizens Advisory Council	717-787-4527	www.cacdep.state.pa.us
DEP General Fax (Harrisburg)	Fax 717-783-8926	www.dep.state.pa.us
DEP Mine Subsidence Insurance	800-922-1678	
DEP Regional Offices (Field Operations)		www.dep.state.pa.us/dep/deputate/fieldops/default.htm
Dept. of Conservation & Natural Resources		www.dcnr.state.pa.us
Electronic Forms		http://www.sc.egov.usda.gov
Emergency Response (statewide)	800-541-2050	
EnviroHelp		www.pa-envirohelp.org
EnviroHelp Business Assistance	800-722-4743 TDD- 800-208-0937	
Environmental Protection Update		epupdate@state.pa.us
EPA - TSQ Information		http://www.epa.gov/enviro/html/
EPA hazardous waste		http://www.epa.gov/ebtpages/wasthazardouswaste.html
EPA Office of Environmental Justice Compliance and Enforcement		http://www.epa.gov/compliance/
EPA Region 3 Sole Source Aquifer	(215) 814-5779	
Federal Aviation Administration, (local coordinators)		http://www.faa.gov
Federal Emergency Management Agency	1-800-358-9616	http://msc.fema.gov
FEMA Region III		http://www.fema.gov/regions
Governor's Center for Local Government	888-223-6837	
Governor's Green Government Council		www.gggc.state.pa.us
Green Information Line	877-PA GREEN	www.growinggreener.org
Land Recycling Program		landrecycling@state.pa.us
Land use		www.landuseinpa.com
Lead Paint Safety: A Field Guide		http://www.hud.gov/offices/lead/training/LBPguide.pdf
Low-Level Radioactive Waste	800-232-2786	
National Archaeological Database (NADB)		http://web.cast.uark.edu/other/nps/nadb
National Environmental Justice Advisory Council		http://www.epa.gov/compliance/environmentaljustice/nejac/
National Oceanic and Atmospheric Administration		http://www.ocrm.nos.noaa.gov/
National Park Service		www.nps.gov/phso
National Register of Historic Places		http://www.cr.nps.gov/nr
National Wetland Inventory map	1-800-ASK USGS	http://www.nwi.fws.gov
National Wild & Scenic Rivers Program		http://www.nps.gov/rivers
Native American Indian Liaison Office		http://www.cr.nps.gov/ailo

Noise Pollution Clearinghouse		http://www.nonoise.org
PA DEP Air Quality	(717) 787-2814	
PA Bureau of Forestry		www.dcnr.state.pa.us/forestry
PA Center for Environmental Education		www.pcee.org
PA Coastal Zone Management Program	(717) 772-4785	
PA DEP Hazardous materials, storage tanks (LUST), Asbestos containing materials and radon		http://www.dep.state.pa.us/ Click on 'Subject'
PA Department of Agriculture		www.pda.state.pa.us
PA Department of Environmental Protection	(717) 787-2814	http://www.dep.state.pa.us
PA Department of Transportation, Regional Offices		http://www.dot.state.pa.us/
PA Emergency Management Agency	(717) 651-2001	http://www.pema.state.pa.us/
PA Environmental Assistance Network		www.pean.state.pa.us
PA Game Commission		www.pgc.state.pa.us
PA Geological Survey	(717) 702-2017	http://www.dcnr.state.pa.us/topogeo/index.htm
PA Geospatial Data Clearinghouse		www.pasda.psu.edu
PA Geospatial Information Council		www.pagic.state.pa.us
PA Historical and Museum Commission	(717) 787-3362	http://www.phmc.state.pa.us/
PA Scenic Rivers Program - DCNR		www.dcnr.state.pa.us/brc/rivers/scenicrivers/
Pesticides		www.pested.psu.edu
Radon - DEP	800-237-2366	
Recycling	800-346-4242	
State Conservation Commission		www.pascc.org
Storage Tanks	800-428-2657	
U.S. Army Corps of Engineers, Baltimore District	(410) 962-7608	
U.S. Army Corps of Engineers, Buffalo District	(716) 879-4104	
U.S. Army Corps of Engineers, Philadelphia District	(215) 656-6516	http://www.lrb.usace.army.mil/
U.S. Army Corps of Engineers, Pittsburgh District	(412) 395-7500	
U.S. Bureau of the Census		http://www.census.gov/
U.S. DOT, Federal Highway Administration		http://www.fhwa.dot.gov
U.S. Environmental Protection Agency, Region 3	215-814-2950	http://www.epa.gov/region03
U.S. Fish and Wildlife Service		http://www.fws.gov
U.S. Forest Service	(610) 557-4017	www.fs.fed.us
U.S. Geological Survey, District Office	: (717) 730-6900	
U.S. Natural Resources Conservation Service	717-237-2232	http://www.pa.nrcs.usda.gov/
U.S.D.A PA Rural Development	717-237-2299 TDD (717) 237-2261	www.rurdev.usda.gov/pa
U.S.D.A Rural Development		http://www.rurdev.usda.gov/
Vehicle Emissions Inspection	800-265-0921	drivecleanpa@state.pa.us
Watershed Information		www.PaWatersheds.org
Wilderness Areas		http://www.wilderness.net/

Part III -- Environmental Considerations

3.1 Land use

Land is a very precious resource, when used wisely; it can be enjoyed by many generations. Smart use of this finite resource is absolutely essential for a healthy environment, a dynamic economy and the well being of any community. Effective land use can help to preserve open space, protect farmland, allow planned growth without sprawl and provide the quality of life generations can enjoy in their communities. USDA recognizes that its specific mission of assisting rural areas goes hand in hand with protecting the resources upon which these areas are dependent. It is USDA's policy to promote effective land use responsive to current and long-term economic, social and environmental needs and discourage unwarranted conversion of important land resources to other uses. As part of the environmental review process, the **compatibility of the proposed project** and the considered alternatives **with existing land use and land use plans** should be discussed, as well as, **possible land use changes that may result from implementing the proposed project**.

In June 2002, Pennsylvania Legislature put in place a policy to address land use considerations in the permitting process as promulgated in by Acts 67, 68 and 127 of 2000. These Laws, the amended Municipal Planning Code and Governor's Executive Order 2003-2 dated March 20, 2003 are the new tools that encourage sound land use planning at the local and state level. The Acts require state government agencies to consider local land use comprehensive plans and zoning ordinances in making certain permit and funding decisions.

Visit web site: www.landuseinpa.com



3.1.1 Important Farmlands:

Background

USDA actions must not convert, directly or indirectly, important farmland unless there is a demonstrated significant need; and no practicable alternative exists. If conversion is unavoidable, mitigation measures to minimize the impact are necessary. The Farmland Protection Policy Act of 1984 (FPPA) applies to all Federal agencies. The USDA Land Use Policy 9500-3, of 1982, applies to agencies of the Department of Agriculture. The terms Important Farmlands, Prime Farmlands, Unique Farmland, Farmland of Statewide Importance and Farmland of Local Importance are defined in Appendix A of the Departmental Regulation 9500-3 on Land Use Policy.

The PA Department of Agriculture administers the state's Farmland Preservation policy and is the lead agency for implementing Agriculture Land Preservation Policy. The Governor's E.O. 2003-2 requires all agencies to mitigate and protect against conversion of prime agricultural land when feasible alternatives are available.

Implementation

Each local Natural Resources Conservation Service (NRCS) Office maintains a list, by County, of the soils that meet the criteria and are classified as Important (Prime, Unique and Statewide & local Importance) farmland. Each Loan Office/preparer should contact the District Conservationist in their area to obtain a list of these soils. Information on the District Conservationist for the area can be obtained from NRCS web site or the NRCS State Office.

Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993
Telephone: 717-237-2232
Fax: 717-237-2238



Each proposed lease, disposal of real property or application for financial assistance will be reviewed to determine if it will result in conversion of important farmland. Those actions that are determined to result in no foreseeable change in land use and those actions that solely involve the renovation of existing structures or facilities, would require no further review related to land use. These actions have no potential to convert land use and the preparer, in completing the Environmental Assessment will simply state this finding. Also, actions that convert important farmland through the construction of on-farm structures necessary for farm operation are exempt from the farmland protection provision of Instruction 1940-G. Under the Departmental Policy, Prime Farmland includes no 'urban built-up' land under NRCS criteria. Present guidelines consider areas with 30 structures per 40 acres and built-up areas identified by the recent census map, to be 'urban built-up' land. In the write-up clearly state the boundaries used for this determination & procedural steps, contacts, and references that assisted in your findings.

Steps to help (document your findings & references) processing:

Step 1: Is there Important Farmland soils present in the project area?

Review NRCS soils classifications for the area. If not present, document consultation with NRCS, reviews of maps etc. Review is complete, as there will be no conversion.

Step 2: If Farmland soils are present (it does not have to be farmed to be classified as important farmland), does the action/project qualify for any exemption?

Review NRCS Important Farmland maps for areas already in 'Urban Development'.

- Existing facility with no change in land use.
- Farming related structures
- 'already in' urban development - urban built-up

If yes, document why? If **exempt**, no further review needed. If not exempt, go to step 3.

Step 3: If general area is not 'already in' urban development and contains Important Farmland or no map exists, complete (by Preparer/Consultant) the Farmland Conversion Impact Rating Form AD 1006, Parts I and III, and transmit to the local NRCS office, as part of the Land Evaluation and Site Assessment (LESA) process.

Step 4: When NRCS returns form with parts II, IV and V completed, Rural Development, when applicable, will complete (double check consultants points) Parts VI through VIII to determine points scoring for the area. See Federal Register Volume 49, No. 139 to score Part VI. Note that there is a difference in points scoring criteria for corridor type development and utility line extensions.

If score is below 160, no additional protection is needed; therefore, proceed with proposed action. The write-up should explain that the conversion is in compliance with FPPA and the Departmental Policy for the conversion of Important Farmlands.

Step 5: If score is 160 or above then briefly discuss:

- A. Is the project compatible with state, local and private programs to protect farmland?
- B. Determine that the project has no effect, then document on 1940-22, FSA 850, Class 1 or Class II Assessment or ER and proceed, or;
- C. Determine that there is an effect on important farmland, or is incompatible with state or local planning requirements then;
- D. Search for practicable alternatives including alternative sites, alternative means to meet applicant's objectives and No-action (denial of request) alternative;
- E. If practicable alternative to the conversion exists, notify applicant that processing will be discontinued.
- F. If applicant desires to amend application, continue review of application.

- G. If applicant not willing to amend application, no further consideration will be given to the application.
- H. If there is no practicable alternative to the conversion, then;
 - Search for mitigation measures;
 - Document findings and;
 - Implement findings to require that mitigation measures be accomplished.

Public Notice procedures (Refer PA AN) will apply to all Class I and II Assessments and Assessments with ER that impact important farmland. Not required for Categorical Exclusions that lose the status and require modified Class I.

Agency Jurisdiction:

Federal Level

- U.S. Department of Agriculture
- USDA Natural Resource Conservation Service



State Level

- PA Department of Agriculture - web site: www.pda.state.pa.us
- Department of Environmental Protection - www.dep.state.pa.us

3.1.2 Prime Forestland

Background

USDA actions must not convert, directly or indirectly, prime forest land unless there is a demonstrated significant need, and no practicable alternative exists. If conversion is unavoidable, mitigation measures to minimize the impact are necessary. The USDA Land Use Policy 9500-3, of 1982, applies to agencies of the Department of Agriculture.

Implementation

There are no prime forest lands designated by the Forest Service in Pennsylvania.

3.1.3 Prime Rangeland

Background

USDA actions must not convert, directly or indirectly, prime rangeland unless there is a demonstrated significant need and no practicable alternative exists. If conversion is unavoidable, mitigation measures to minimize the impact are necessary. The USDA Land Use Policy 9500-3, of 1982, applies to agencies of the Department of Agriculture.

Implementation

Pennsylvania does not have any prime rangeland designated by NRCS.

3.1.4 Formally Classified Lands

Refers to certain areas, properties or resources that have been accorded special protection through formal legislative designations, administered by Federal, State or local agencies. Federal agencies shall consider the existence and location of such resources and the impacts of the Federal action on such resources, when assessing the impacts on the environment. Such formally classified lands include, but are not necessarily limited to the following:

3.1.4.1 Wilderness

Background

The Wilderness Act established the National Wilderness Preservation System composed of federally owned areas designated by Congress. The National Park Service, the U.S. Forest Service, or the Bureau of Land Management may manage wilderness areas.

Implementation

It is the responsibility of the preparer to be familiar with the location of other state, local and federally administered lands and facilities. It is imperative that the preparer consults with the appropriate governing body regarding the potential impact of an action that is located in or near one of these areas.

Pennsylvania has two Federal Wilderness Areas; Hickory Creek Wilderness (U.S. Forest Service) and Allegheny Islands Wilderness (U.S. Forest Service).

- The web sites for Wilderness Areas: <http://www.wilderness.net/>
- or <http://www.wilderness.net/nwps/search.cfm>

3.1.4.2 Trails

If the action is adjacent to or has potential to impact National, State or Historic Trail consult with individual(s) responsible for overseeing such areas and document in the environmental assessment. A list of State and National Scenic and Historic Trails is available at web sites: <http://www.nationstrails.com> and <http://americantrails.org>

Agency Jurisdiction:

State and Federal Level:

US Forest Service
11 Campus Drive
Newtown Square, PA 19073
Telephone: (610) 557-4017
Fax: 610-557-4200
TDD: 610-557-4160



3.1.4.3 National, State and Local Parks

Implementation

If the action has the potential to impact or is adjacent to a National, State or Local Park the preparer of the environmental document must consult with individual(s) responsible for overseeing such areas in the state. Consultation shall be documented in the environmental assessment.

Web sites: www.nps.gov/phso
www.dcnr.state.pa.us

3.1.4.4 Natural Landmarks

Background

A National Natural Landmark (NNL) is a nationally significant area that has been designated by the Secretary of the Interior. To be nationally significant, a site must be one of the best examples of a type of biotic community or geologic feature in its physiographic province.

Implementation

If the action has the potential to impact a listed natural landmark, the preparer of the environmental document must consult with individual(s) responsible for overseeing natural landmarks in the State. Consultation shall be documented in the environmental assessment. Either verbal communication or written is acceptable although written is the preferred method of consultation.

Contacts

NNL web site: www1.nature.nps.gov/nnl/index.htm

Agency Jurisdiction: State and Federal Level

National Park Service
200 Chestnut Street
Philadelphia, PA 19106
Telephone: 215-597-5199
Fax: 215-597-5747

3.1.4.5 National Forest, State Forest and State Game Lands

Federal Agencies shall consider the existence and location of National Forests, State Forests and State Game lands and impact of the project on any such resources, when assessing the impact of their actions on the environment.

Web sites: www.fs.fed.us
www.dcnr.state.pa.us/forestry
www.pgc.state.pa.us click on Game Land

3.1.4.6 American Heritage Rivers

Background

The American Heritage Rivers initiative, under Executive Order 13061, is intended to protect and restore rivers and their adjacent communities. The three objectives are natural resource and environmental protection, economic revitalization and historic and cultural preservation. The Upper Susquehanna and Lackawanna Rivers and a portion of Potomac River (Bedford County) are the designated rivers in Pennsylvania.

Implementation

If the project is located adjacent to a designated area the preparer should coordinate with the designated agency having responsibility for the area.

Contact

Information regarding American Heritage Rivers and designated rivers is available on the EPA web site: www.epa.gov/rivers/98rivers/

3.2 Floodplains

Background

The establishment of the National Flood Insurance Program, in many instances, fostered development in areas of potential flood hazard. As a result, Executive Order 11988, Floodplain Management, was signed on May 24, 1977 and requires all Federal agencies to abide by the same criteria with respect to floodplain management. EO 11988 is applicable to all Federal actions regardless of size or activity. All Rural Development actions, such as applications for financial assistance and proposed leases or disposal of real property, should be reviewed at the earliest possible stage to determine the impact on the floodplain.

EO 11988 requires Federal agencies to notify and to involve the public at the earliest possible time, which means as soon as a proposed action, which would be located in or affect a floodplain, can be identified.

Floodplains are considered an important land resource. The term "floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including, at a minimum, those that are subject to a 1-percent or greater chance of flooding in any given year (100-year floodplain). For "Critical Actions" the 500-year floodplain needs to be considered as the minimum floodplain of concern. Treatment plants and large pump stations are considered "critical facilities".

Implementation

The loan originator/processing office is responsible for obtaining all documentation and the preparation of the review document/environmental file for proper review. The approving official/Program Director is responsible for the proper completion and final determination/approval of the environmental review.

The following decision making process will assist to ensure compliance with Rural Development policies regarding floodplain and the 8-Step process for EO 11988:

1. First, the preparer must determine if the proposed action is located in or adjacent to a floodplain. Use FEMA's Flood Insurance Rate Maps to determine the boundaries of 100-year or 500-year floodplains. (For "critical actions" the 500-year limits are the area of concern. Water and wastewater treatment facilities, large pump stations, and centralized operations or communication facilities are considered as "critical facilities" under RD 1794A-602). When the preparer determines that the proposed action has no potential for direct or indirect impact on the floodplain, the preparer only needs to document the facts leading to the decision of **"No Effect"** in the environmental document. It is then not necessary to go beyond step 1 in the process.

National Flood Insurance Reform Act of 1994 requires completion of FEMA Form 81-93 when the federal action involves a "building" which means a walled and roofed structure above ground. Underground utility lines and pump stations are

not “buildings.” Make sure all the blanks are completed. If completed by a RD employee, it must be signed. Guaranteed lenders and intermediaries should complete the form for each loan action. Rural Housing has contracted with a private vendor to provide Flood Hazard Determination Certifications (FEMA Form 81-93) through an Internet based system. This certification must be included with the environmental documentation. The FEMA Flood Insurance Rate Map will normally be included with the certification. For more information refer Paragraph 5.8, pages 5-19 of the Single Family Housing Field Office Handbook HB-1-3550 (01-23-03 SPECIAL PN). When an intermediary makes a loan or grant to a third party using Agency funds, the intermediary will complete and sign the form. When the form is completed by a private vendor or consultant (other than Lender), signature is not required, but section F should be fully completed.

Aerial photography, topographical maps and soils survey maps may be used in conjunction with a visit to the site when no FEMA Flood Maps are available. In areas where no flood hazard information or flood elevation data are available, the amount of Federal investment and the potential flood damage to which it would be subject from various levels of flood risk should be considered when determining what degree of accuracy is required for flood elevation data. For example, if the amount of Federal investment in the proposed action is significant or the action could create a significant adverse effect on a floodplain, a survey should be completed.

2. When the preparer determines that the proposed action may result in the direct or indirect **"impact or effect"** on the floodplain the following additional process must be completed.

If there is potential for a direct or indirect impact, a “Preliminary Notification of Possible Impact to an Important Land Resource” must be published to give the public an opportunity to comment. RD will send the public notice along with a letter, to inform the applicants their responsibility to publish the notice, upon approval of the assessment.

3. Determine if there is a practicable alternative.
4. Identify direct and indirect impacts of the proposed action.
5. Identify methods to mitigate harm to lives and property, and opportunities to restore and preserve floodplain values.
6. Consider the proposed action versus the practicable alternatives in terms of environmental impacts.
7. Announce and explain the decision to the public. This is accomplished by publishing a “Final Notification of Rural Development’s Finding of No Practicable Alternative to a Floodplain or Wetland Impact” or the “Combined Final Notice and FONSI”. Upon completion of the 30-day comment period for the preliminary

public notice, RD will send the final public notice/FONSI along with a letter to inform the applicants their responsibility to publish the notice.

8. If structures are or will be located in a floodplain or wetland, Rural Development must provide the applicant and any other lenders involved, with a "Private Party Notice". Also, **flood insurance is required by law to be maintained at all times on eligible structures within the floodplain.**
9. Implement the proposed action with appropriate mitigation measures.

Practicable Alternatives: Whenever you determine that a proposal may impact a floodplain, you must search for practicable alternatives. Practicable alternatives must be examined in the context of what is practicable to both the Federal agency and the applicant. Possible alternatives include:

- a. Selection of an alternative site.
- b. Denial of the request for assistance at the affected site. (The "no action" alternative.)
- c. Selection of an alternative means to meet the applicant's objectives.

When completing an environmental assessment for a proposed action located in or which could affect a floodplain, keep the following "unwise actions" in mind:

1. Unwise land use and development of riverine, coastal, and other floodplains not only destroy many of the special qualities (i.e., floodwater storage, wildlife habitat, agricultural and forest products, stable ecosystems, and park and recreational areas) of these areas, but pose a severe threat to human life, health, and property.
2. The problems associated with the increase in annual losses from floods and adverse alterations of floodplains arise mainly from unwise land use practices.
3. Because unwise floodplain development can lead to the loss of human and other natural resources, it is a bad Federal investment and should be avoided.

It is important to remember that development within a floodplain should be avoided unless it is considered necessary from a public interest standpoint and unless no suitable alternative exists. Avoidance of development is the preferred approach for minimizing losses to people, property and natural floodplain values. An acceptable degree of hazard differs with type of floodplain use. Certain uses are or can be made harmonious with certain flood characteristics.

Floodplain maps can be printed from the FEMA web site at: <http://fema.gov>

Call, Service Center at 1-800-358-9616 for CD-ROM or paper copies.

For online orders, go to <http://msc.fema.gov> and click on "The Flood Map Store".

Maps can also be ordered by FAX at 1-800-358-9620, or write:

Federal Emergency Management Agency
Map Service Center
P.O. Box 1038
Jessup, MD 20794-1038

Request can be made, to be placed on the distribution list for map updates.

The following books can be used to complement the FEMA Floodplain Maps:
National Flood Insurance Program Community Status Book.
How to Use a Flood Map to Determine Flood Risk for a Property.

Specific RHS Policies:

New structures will not be built within any 100-year floodplain. Raising the first floor of the living area above the floodplain and providing public sewer and water are NOT acceptable mitigation measures in the case of new construction. According to HB-1-3550, Section 5.7D, for all new construction and substantial improvements the lowest floor (including basement) must be above the 100-year floodplain. Modified Class I assessments for such projects must have concurrence in writing form the State Environmental Coordinator.

When considering financial assistance to purchase an existing dwelling located in the floodplain, search for practicable alternatives. If there are no alternatives, which will be very rare in Pennsylvania, you must initiate practicable mitigation measures, such as compliance with State/local/community floodplain requirements, and requiring deed restrictions which prohibit any changes to the floodplain in the future, such as:

1. No filling, grading or alteration of the floodplain;
2. No future construction of structures (such as garages or storage sheds) within the floodplain; and
3. No paving of floodplain areas.

When considering repair-only type loans and/or grants, the “Threshold of Impact for Renovations” to existing dwellings is the cost of repair which equals or exceeds 50 percent of the market value of the structure before the repair is started. If the costs of the improvements exceed 50 percent of the market value of the structure, the implementation of 1940-G, Exhibit C must be followed; below 50 percent, the action is considered to be of no significant impact. When doing a modified Class I for repair only loans/grants, you should document that the procedures in RD Instruction 1940-G, Exhibit C, do not apply because the repairs are below the 50 percent threshold. No public notices are required for modified class I.

Flood Insurance is required. There is no provision for waving the requirement for flood insurance for the loan programs.

FEMA Region III - District of Columbia, Delaware, Maryland, Pennsylvania, Virginia and West Virginia

Agency Jurisdiction - State and Federal Level:

Normally, contact with these agencies is only necessary if there may be an adverse impact.

FEMA Region III

615 Chestnut Street
Philadelphia, Pennsylvania 10106

Telephone: (215) 931-5608

<http://www.fema.gov/regions>

US Army Corps of Engineers, Buffalo District

1776 Niagara Street
Buffalo, NY 14207

Telephone: (716) 879-4104

US Army Corps of Engineers, Baltimore District

10 South Howard Street
Baltimore, MD 21201

Telephone: (410) 962-7608

US Army Corps of Engineers, Pittsburgh District

2032 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Telephone: (412) 395-7500

Fax: (412) 644-2811

U.S. Army Corps of Engineers, Philadelphia District

Wanamaker Building, Room 600
100 Penn Square East
Philadelphia, PA 19107-3390

<http://www.lrb.usace.army.mil/>

Telephone: (215) 656-6516

Fax: (215) 656-6820

U.S. Geological Survey, District Office

840 Market St.
Lemoyne, PA 17043-1586

Telephone: (717) 730-6900

Fax: (717) 730-6997

dc_pa@usgs.gov

Pennsylvania Emergency Management Agency

P.O. Box 3321
Harrisburg,
Pennsylvania 17105-3321

Telephone: (717) 651-2001

Fax: (717) 651-2040

<http://www.pema.state.pa.us/>

Pennsylvania Geological Survey

3240 Schoolhouse Road
Middletown, PA 17057

Telephone: (717) 702-2017

Fax: (717) 702-2065

<http://www.dcnr.state.pa.us/topogeo/index.htm>



3.3 Wetlands

Background

Wetlands are an integral part of the ecosystem that is key to the quality of life. It is important that all federal agencies provide for the protection of this resource. As part of the environmental assessment process it is important to define the scope of the project, determine if the action will have an effect on any and all wetlands and determine if there are any alternatives to any potential impacts. To do this, consult with other Federal and State Agencies that are responsible for wetland delineation and oversight. Furthermore, it is important to understand that certain programs will have differing requirements for the protection of wetlands.

USDA is required by numerous laws to protect wetlands in implementation of its various programs. Executive Order 11990, Protection of Wetlands; Section 363 of the Consolidated Farm and Rural Development Act (CONACT), the Clean Water Act; and the Food Security Act are the primary laws governing how USDA must assess whether proposed actions will adversely affect a wetland.

Section (a)(16) of the Food Security Act, Public Law 99-198, December 23, 1985 defines a wetland as:

The term “wetland”, except when such term is part of the term “converted wetland”, means land that has a predominance of hydric soils and is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Section 363 of the CONACT, which affects loans made under Farm Loan Programs generally, prohibits FSA from using any loan funds to adversely affect a wetland. Section 363 reads as follows:

The Secretary shall not approve any loan under this title to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a)(16) of the Food Security Act of 11985 (16 U.S.C. 3801(a)(16))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water, except in case of activity related to the maintenance of previously converted wetlands, or in the case of such activity that is already commenced before November 28, 1990. This section shall not apply to a loan made or guaranteed under this title for a utility line.

Implementation

For Farm Services Agency's (FSA) Farm Loan Program, Exhibit G of RD Instruction 1940-G must be followed prior to completing the environmental review. Specifically a determination must be made by NRCS as to whether wetlands exist on an applicant's farmland. To determine if wetlands are present, for farmland only, one

should first review the most current Form CPA-026 for the particular tract. Also, look at the current AD-1026 or AD-1026u. In some cases, a new CPA-026 will need to be obtained from NRCS.

For all programs/actions that involve ground disturbance activity, where no wetland determination has been made, the environmental document preparer should:

- Review the National Wetland Inventory map. (<http://www.nwi.fws.gov>) (National Wetland Inventory Maps can be ordered by calling 1-800-ASK USGS).
- Review soils maps to determine if hydric soils or soils with hydric inclusions are on the site (available at the local NRCS office).
- Conduct field visits to visually inspect the area. Observe the vegetation for any species unique to wetland areas and take digital photos.
- Document the findings (attach Form FSA-850 for Farm Storage Facilities).

For all programs, if the action/project involves construction or other ground disturbing activity in an area with hydric soils, a '**wetland determination**' by a qualified person may be needed prior to completing the environmental assessment. The purpose of this determination is to ensure that the proposed activity will not adversely affect any wetlands within the Area of Potential Effect (APE). For utility (RUS) projects, lines will be installed in compliance with USACE general permits further delegated down to the states, (PA DEP) and the conditions of the permits assure no adverse effect on wetlands, due to required restoration, etc. This should be explained in the ER. Normally wetland delineation is not required.

If the action/project involves the construction of a structure or other ground disturbance activity within or immediately adjacent to a wetland area, '**wetland delineation**' will be required. The purpose of the delineation is to determine the limits of wetland area, eliminate or reduce disturbance to wetland and develop mitigating measures for the protection of wetland.

Agency Jurisdiction:

State and Federal Level: Normally, contact with these agencies is only necessary if there may be an adverse impact.

U.S. Department of Agriculture (farmland only)
Natural Resource Conservation Service
Suite 340, One Credit Union Place
Harrisburg, PA 17110-2993
Telephone: (717) 237-2100
<http://www.pa.nrcs.usda.gov/>

PA Dept. of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17105
Telephone: (717) 787-2814
<http://www.dep.state.pa.us>

US Army Corps of Engineers, Baltimore
(for non-farmland only in Susquehanna River Watershed)
10 South Howard Street
Baltimore, MD 21201
Telephone: (410) 962-7608

US Army Corps of Engineers, Buffalo
(for non-farmland in Lake Erie Watershed)
1776 Niagara Street
Buffalo, NY 14207
Telephone: (716) 879-4104

US Army Corps of Engineers, Pittsburgh
(for non-farmland only in Ohio River Watershed)
2032 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Telephone: 412-395-7500
Fax: 412-644-2811

U.S. Army Corps of Engineers, Philadelphia
(non-farmland in Delaware River Watershed)
Wanamaker Building, Room 600
100 Penn Square East
Philadelphia, PA 19107-3390
Telephone: (215) 656-6516
Fax: (215) 656-6820

NRCS is responsible for making wetland determinations on agricultural properties. They are to give priority consideration to Farm Loan Program applicants and borrowers and are to complete wetland determination within a 30-day timeframe. For FLP inventory properties, a certified wetland determination must be made of the entire property in order to determine if conservation easements will be required.



3.4 Cultural Resources

Historic and Archaeological Properties

Background

USDA Rural Development is responsible to ensure that its programs comply with Federal, State, and local laws concerning protection of historic properties. These programs include, but are not limited to, all direct and insured loans, grants, guaranteed loans, and other agency activity that has the potential to adversely affect cultural resources such as historic or archaeological sites and properties.

The Federal government recognizes the value of irreplaceable prehistoric and historic cultural resources and is committed to protecting them from damage. Numerous federal laws have been passed to protect these resources; foremost among these is the National Historic Preservation Act (NHPA) of 1966, as amended. The NHPA sets forth the federal government's position that historic resources provide important benefits to the American people and that the government should provide leadership in the preservation of the prehistoric and historic resources of the United States.

Implementation

Section 106 of the NHPA specifically directs federal agencies with direct or indirect jurisdiction over a federal or federally funded undertaking, to take into account the effect of the undertaking on any district, site, building, structure or object that is included in or eligible for inclusion in, the National Register of Historic Places. The NHPA regulations also require agencies to consult with the State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officer (THPO). In accordance with Section 101(b)(3) of the act, the SHPO advises, assists and cooperates with the Federal agencies in carrying out the Section 106 responsibilities. **PA SHPO has developed a guideline "Request to Initiate ConsultationPreservation Act" for requesting consultation with SHPO. Complete the form & attachments including the maps following these guidelines to initiate the consultation process.** The consultation process needs to be completed as part of the environmental review process, prior to RD approval of an applicant's proposal.

Pennsylvania has no federally recognized tribes or tribal land. However, during the consultation with SHPO, a reasonable and good-faith effort will be made to identify historic properties of religious and cultural significance to Indian Tribes, which may be potentially impacted by Rural Development (RD) process, services or applicant activities. Consultation with THPO and Indian tribes interested in the process will be initiated for an applicant's proposal that has the potential to affect historic properties to which a tribe may attach religious or cultural significance.

The following decision making process will assist in ensuring compliance with NHPA and Rural Development policies regarding cultural and historic properties and appropriately complete the consultation process:

1. First, the preparer must determine whether the proposed Federal action is an undertaking requiring review under Section 106. All RD actions are normally an “undertaking” as defined in 36 CFR 800.16(y) and require review under Section 106. Then determine whether the undertaking has the potential to affect historic properties by determining the scope of efforts needed to identify historic properties and evaluate their historic significance, if any. The consultation process with the SHPO/THPO must begin as early as practicable during the environmental review process and will help to identify the Area of Potential Effect (APE), potential historic properties and those with significance to Native American Tribes.
2. Initiate consultation with the SHPO if historic properties may be affected. The preparer should identify and document the APE, that is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

A property is considered potentially eligible for listing in the National Register of Historic Places if it contains a structure 50 years or older. Consultation with SHPO is to be documented if such properties are affected by the undertaking. Use the Guideline (form) developed by SHPO for requesting to initiate consultation. Certain program activities, that has limited potential to historic properties may be undertaken without further consultation with SHPO, based on a Programmatic Agreement (refer PA website) between RD and PA SHPO. The Exhibit to be attached to the RD Form CATEX/Class 1, for an undertaking involving such an activity, should include reference to the Programmatic Agreement exclusion.

3. The applicant must be informed of the requirement for SHPO review at the earliest possible contact with RD. Involve the applicant in the consultation process and encourage them to provide any necessary information required to expedite consultation with the SHPO.
4. The preparer, in consultation with SHPO and with assistance from the applicant, review existing information on historic properties within the APE and identify any properties that are listed or may be eligible for listing, in the National Register of Historic Places. Information may also be available with the local/county historical society.
5. Based on the review and consultation with SHPO and other consulting parties, the preparer shall identify historic properties within the APE and make appropriate findings and select one of the following determinations:
 - a. No historic properties “listed or eligible for listing” are present within the APE – *No historic properties*. In the environmental review document, describe the Federal undertaking, identify the APE, include appropriate maps, photographs, and drawings, the steps taken to identify historic properties,

and the basis for determining that no historic properties are present or affected.

- b. Historic Properties eligible or listed within the APE but the undertaking will have *no effect* them. - In the environmental review document describe the Federal undertaking, identify the APE, include appropriate maps, photographs, and drawings, the steps taken to identify historic properties, and the basis for determining that no historic properties are present or affected.
- c. *Historic properties affected, but “finding of no adverse effect”.* Normally projects that comply with the *Secretary of Interior’s Standards for the Treatment of Historic Properties* and applicable guidelines fall in this category. - In the environmental review document describe the Federal undertaking, identify the APE, include appropriate maps, photographs, and drawings, the steps taken to identify historic properties, a description of affected historic properties, the undertakings effect on such properties, and an explanation of why the criteria of adverse effect were found applicable or inapplicable, and any conditions or future actions to avoid, minimize or mitigate adverse effects, summaries of any views provided by parties consulted. Compliance with Secretary’s Standards and obtaining the approval of plans by SHPO or other such requirements shall be included as mitigating measures.
- d. *Finding of adverse effect on Historic Properties.* If there is potential for an “adverse effect” on historic properties, **it is time to get the SEC involved.** Consultation with the SHPO and other consulting parties will be undertaken to resolve the “adverse effect”. Documentation in the environmental review is the same as c. above: describe the Federal undertaking, identify the APE, include appropriate maps, photographs, and drawings, the steps taken to identify historic properties, a description of affected historic properties, the undertakings effect on such properties, and an explanation of why the criteria of adverse effect were found applicable or inapplicable, and any conditions or future actions to avoid, minimize or mitigate adverse effects, summaries of any views provided by parties consulted. It may be appropriate to consider another course of action that will have no adverse effect on such identified properties, or mitigate potential adverse effects on them.

6. RD will provide it’s finding to SHPO along with cover letter and supporting documentation as identified above. A copy of RD’s environmental review document (or draft) will also be included. The SHPO has 30 days from the receipt of RD’s finding and determination to concur. If there is no objection from SHPO within 30 days of receiving the finding and determination, the Section 106 process is complete. RD will accordingly document the environmental file and proceed with the undertaking.

7. If SHPO, within 30 days of the receipt of an adequately documented finding, objects to the finding, RD will continue consultation with the SHPO and other

appropriate consulting parties to resolve the objection. If objections are raised it is **time to get SEC involved**. It may be appropriate to consider another course of action or develop mitigating measures to resolve the objection. It may also be necessary to execute a Memorandum of Agreement. RD will invite the Advisory Council on Historic Preservation's participation if they are not already participating. The SEC will consult with National Office.

8. NHPA and NEPA are completely distinct statutes. Normally, as stipulated under Section 800.8, RD will complete the NHPA requirements in coordination with the NEPA process. RD will involve the public and comply with the public notice requirements in accordance with the agency's published NEPA procedures.

9. A Categorical Exclusion (CE) under NEPA and RD instruction may require review under Section 106 process if there is potential to affect historic or cultural properties. Such CEs will always, according to 1940-G, be elevated to a modified Class I Environmental Assessment. The preparer of the categorical exclusion will use the above listed procedures and documentation to comply with NHPA requirements.

Agency Jurisdiction: State and Federal Level

Pennsylvania Historical and Museum Commission (SHPO)
400 North Street, 2nd Floor
Harrisburg, PA 17120-0093
Telephone: (717) 783-8947
fax: (717) 772-0920
The web site is <http://www.phmc.state.pa.us/bhp>

A list of consultants for archeological services in Pennsylvania is available at this web site. The list consists of organizations that have submitted credentials to the Pennsylvania Historical and Museum Commission. The Lists of eligible and listed properties are also available on the web site.

Other suggested Web sites:

Advisory Council on Historic Preservation – <http://www.achp.gov>

Provides overview and information on ACHP section 106 review, Federal preservation programs and policies to further preservation. Links to federal, state and tribal programs, as well as information on training offered by the Council.

Laws, Regulations and Standards - <http://www.cr.nps.gov/linklaws.htm>

Useful page with links to federal preservation laws, regulations, Executive Orders, standards and guidelines.

Links to the Past - <http://www.cr.nps.gov>

Programs such as Archaeology and Ethnology, historic preservation services and Native American Liaison can be found at this site, as well as links to Cultural Stewardship and Partnerships. The page includes information on grants, tax credits and technical assistance.

NAGPRA and tribal consultation databases - <http://www.cr.nps.gov/nagpra/>

Searchable page on implementation of the Native American Graves Protection and Repatriation Act and information on tribal consultation.

Federal Assistance Program – http://www2.cr.nps.gov/pad/fapa_p.htm

Information on NPS assistance offered to federal agencies in carrying out their preservation responsibilities.

Native American Indian Liaison Office - <http://www.cr.nps.gov/ailo>

Provides information on working with tribes to improve relationships between American Indian Tribes, Alaska Natives, Native Hawaiians, and the agencies through consultation, outreach, technical assistance, education, and advisory services.

National Archaeological Database (NADB) - <http://web.cast.uark.edu/other/nps/nadb>

Searchable database on archaeological “grey” literature - reports from archaeological investigations.

National Register of Historic Places - <http://www.cr.nps.gov/nr>

Official list of historic places worthy of preservation maintenance by the National Park Service. Site includes easy access to the National Register information system, travel with historic places, and all National Register publications.

Bureau of Indian Affairs (BIA) - <http://www.doi.gov/bureau-indian-affairs.html>

Offers specific information about the BIA, including data on Indian ancestry, tribal services, and lists of BIA area offices.



3.5 Sensitive Biological resources

3.5.1 Endangered and Threatened Species

Background



Congress passed the Endangered Species Act (ESA) in 1973 to combine and strengthen its predecessors such as the Endangered Species Preservation Act of 1966.

USDA will not authorize, fund or carry out any proposal or project that is likely to

(1) Jeopardize the continued existence of any plant or wildlife species listed by the Secretary of Interior as endangered or threatened; or

(2) destroy or adversely modify the habitats of listed species when such habitats have been determined critical to the species' existence by the Secretary of Interior, unless USDA has been granted an exemption for such proposal by the Endangered Species committee pursuant to paragraph (h) of Section 7 of the Endangered Species Act.

Federal Legislation, Regulations, and other Directives:

- Endangered Species Act as amended by Public Law 97-304 (The Endangered Species Act Amendments of 1982)
- Title 7, Part 1b and 1c, Code of Federal Regulations, USDA's National Environmental Policy Act.
- U.S. Department of Agriculture, Departmental Regulation 9500-4, Fish and Wildlife Policy (1983)
- Executive Order 11514, Protection and Enhancement of Environmental Quality
- National Environmental Policy Act, 42 U.S.C. 432
- Bald and Golden Eagles Protection Act of 1979

The web site for Fish and Wildlife Service is <http://www.fws.gov>

You can access endangered species by clicking on the icon entitled "Conserving Wildlife and Habitats", which would take you to another web page where you would select "Endangered Species".

The Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry is responsible for the oversight of Pennsylvania Natural Diversity Inventory (PNDI). Computer based PNDI reviews are available through the Conservation District, in lieu of DCNR, at your discretion. If the PNDI review shows an endangered species, then we need to contact the appropriate state agency that has jurisdiction.

Implementation

Section 7 of the ESA requires that Federal agencies consult with the FWS when any activity permitted, funded, or conducted may affect an endangered or threatened species or a listed or designated critical habitat. This is commonly referred to as the Section 7 Consultation Process and involves both an informal and formal process and a biological assessment and opinion.

Federal agencies, in consultation with the FWS, are required to ensure that actions an agency authorizes, funds or carries out are not likely to jeopardize the continued existence of federally listed endangered and threatened species, or result in the destruction or adverse modification of designated critical habitat. Pennsylvania also has a list of State Endangered and Threatened species.

List of the Federally Endangered and Threatened Species and a listing of State Endangered and Threatened species are available at the web sites.

Agency Jurisdiction: State and Federal Level:

FWS and DCNR are the subject matter experts. Normally, contact with these agencies is only necessary when there may be an adverse impact on threatened or endangered species.

U.S. Fish & Wildlife Service
Pennsylvania Field Office
315 South Allen St, Suite 322
State College, PA 16801-4850
Telephone: (814) 234-4090
Fax: (814) 234-0748
The web site is <http://www.fws.gov>



Department of Conservation and Natural Resources
7th Floor, Rachel Carson State Office Build'
P.O. Box 8767
Harrisburg, PA 17105-8767
Telephone: (717) 787-2869
Fax: (717) 772-9106
The web site is <http://www.dcnr.state.pa.us/>



3.6 Water Quality

Background

Laws affecting our drinking water supply are: the Federal Water Pollution Act, the Safe Drinking Water Act and the Clean Water Act. Laws relating to the wastewater and water quality standards include the Federal Clean Water Act (Public Law 92-500). State agencies are responsible for developing and enforcing rules for the protection of waters in the state and regulation of wastewater discharges. The installation and operation of on-site sewage systems for farms and homes are regulated by the State.

Implementation

Information received from the applicant must include data to enable the preparer to make the necessary determination concerning water quality impacts. Applicants for USDA financial assistance that have plans to construct, purchase, alter, enlarge and/or refinance an animal feeding operation (AFO) or concentrated animal feeding operation (CAFO), must provide a Comprehensive Nutrient Management Plan (CNMP) for waste management. The plan should be developed in consultation with the USDA, State agencies or private consultants.

CNMP should address, as necessary, feed management, manure handling and storage, land application of manure, land management, record keeping, and other utilization options. While nutrients are often the major pollutants of concern, the plan should address risks from other pollutants, such as pathogens, to minimize water quality and public health impacts from AFO. In addition, the plan must include the method used to dispose of dead animals.

CNMP should be site-specific and be developed and implemented to address the goals and needs of the individual owner/operator, as well as the conditions on the farm (e.g., number of animals, soils, crops, and climate). CNMP should include a schedule to implement the management practices identified. Plans should also be periodically reviewed and revised in cases where a facility increases in size, changes its method of manure management, or if other operating conditions change. CNMP should encourage and facilitate technical innovation, sustainable agricultural systems, and new approaches to manure and nutrient management. The AFO owner or operator is ultimately responsible for the development and implementation of CNMP regardless of who provides technical assistance.

Feedlots may have an impact on water quality. The feedlot permitting process can be considered to be a mitigation measure in the completion of the environmental assessment. If the permit is already in place, and there are no other negative impacts to an important resource, and the applicant is actively complying with all the requirements of the permit, then the permit may be utilized in determining that the proposed action is a categorical exclusion.

Federal guidelines concerning feedlots are covered in 40CFR122.23. Refer EPA web site. On DEP web site click on Act 537 Sewage Facilities Program, then on 'Concentrated Animal Feeding Operations.'

NPDES Storm Water regulations stipulate that storm water permits are required for discharges associated with industrial activities to include construction activities that disturbs more than 1 acre. The local County Conservation Districts review permit applications, issue permits and provides monitoring of the permit. PA also has specific requirements for storm water management and permits.

It is necessary to consider the potential impact of the project on both surface and sub-surface waters.

Well Water Source

Safe and adequate water supplies are critical when real estate loan collateral includes building improvements. Water testing is the only way to ensure that loans are not made when contamination exists in the potable water wells. If any well is abandoned, it should be closed and sealed in accordance with the appropriate state standards. When new wells are to be drilled, the impact on the ground water quality and quantity should be addressed. Adequacy of the quantity is extremely important for community systems and large volume users. A project with a water treatment plant should discuss the sludge disposal aspects. A Project with water storage tank should consider the aesthetic values of the proposed location.

Sewer Disposal

In reference to on-lot disposal systems, failing or non-compliant septic systems may be cause for a potential impact to the State Water Quality. A preparer of an assessment must always consider the effect of the action being proposed, on water quality. The applicant may, as part of the loan proposal, provide septic permits, cost estimates and development plans, to indicate that the proposed action will not have an impact on Water Quality.

Sewer/septic systems should be constructed and maintained in accordance with State standards. Sewer system projects, large volume dischargers and industrial projects should address the adequacy of collection, conveyance and treatment facilities, design capacity of the treatment plant, type of treatment, compliance with permit and effluent requirements, and the sludge disposal aspects.

Agency Jurisdiction: State and Federal Level:

For Individual Septic (on-lot) Systems:

Contact the local municipal Sewage Enforcement Officer



Water (Drinking Water – 25 Users or more) and waste water:

Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17105
Telephone: (717) 787-2814
<http://www.dep.state.pa.us>

Storm Water Permits - Required for Construction, Mining or Agriculture activities of 1 acre or more if the ground surface is disturbed.

Department of Environmental Protection
Bureau of Land and Water Conservation
Division of Stormwater Management and Sediment Control
P.O. Box 8555
Harrisburg, PA 17105-8555
Telephone: (717) 783-7577

Other Agencies

US Environmental Protection Agency, Region 3
Office of Enforcement, Compliance and Environmental Justice
1650 Arch Street (3CG00)
Philadelphia, PA 19103-2029
Telephone: 215-814-2950
Fax: 215-814-2905
<http://www.epa.gov/region03>



3.6.1 Protected Waters

Background

Protected waters are watercourses, water basins, and wetlands that meet various legislative criteria. Any activities which change the course, current, or cross section (i.e. drainage, filling, excavation, etc.) of a protected water requires a permit. For questions relating to a specific site and required permits, contact the relevant DEP Regional Office directly for the fastest response.

Agency Jurisdiction: Department of Environmental Protection
For Regional Offices (Field Operations) and service areas see web site:
www.dep.state.pa.us/dep/deputate/fieldops/default.htm

3.6.2 Sole Source Aquifer

Background

The Sole Source Aquifer (SSA) Protection Program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. seq.). It states that:

"If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

Definition

EPA defines a sole or principal source aquifer as one that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. These areas can have no alternative drinking water source(s), which could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. For convenience, all designated sole or principal source aquifers are referred to as "sole source aquifers" (SSA).

Implementation

Proposed projects with federal financial assistance that have the potential to contaminate the designated sole source aquifer are subject to EPA review. Proposed projects that are funded entirely by state, local, or private concerns are not subject to EPA review. Examples of federally funded projects, which have been reviewed by EPA under the SSA protection program, include:

- highway improvements and new road construction
- public water supply wells and transmission lines
- wastewater treatment facilities
- construction projects that involve disposal of storm water
- agricultural projects that involve management of animal waste
- projects funded through Community Development Block Grants

As a result of EPA review of a proposed federally financed project in the designated SSA, concerns for ground water quality protection lead to specific recommendations

or additional pollution prevention requirements as a condition of funding. Most projects referred to EPA for review are approved without any additional conditions being imposed because they meet all federal, state, and local ground water protection standards. However, federal funding has been denied when the applicant has been either unwilling or unable to modify the project.

Whenever feasible, EPA coordinates the review of proposed projects with other federal, state, or local agencies that have a responsibility for ground water quality protection. This coordination helps EPA to understand local hydrogeologic conditions and specific project design concerns, and ensures that the SSA protection measures enhance and support existing ground water protection efforts.



Designated Sole Source Aquifers in PA

The 2 Sole Source Aquifer designations in PA are listed below. Contact the Regional Sole Source Aquifer coordinator for comment only if project falls within the designated area.

EPA Region 3
Water Protection Division
1650 Arch Street
Philadelphia, PA 19103-2029
Telephone: (215) 814-5779



State	Sole Source Aquifer Name	Federal Register Cit.	Public. Date
PA	Seven Valleys Aquifer, York County	50 FR 9126	03/06/85
DE/PA/NJ	New Jersey Coastal Plain Aquifer	53 FR 23791	06/24/88

See MOU between EPA and USDA at web site: www.rurdev.usda.gov/pa

3.7 Coastal Resources

3.7.1 Coastal Barrier Resources System

Background

The Coastal Barrier Resources Act (CBRA) applies to barrier islands that Congress has designated for inclusion in the Coastal Barrier Resources System.

Implementation

Pennsylvania has no Coastal Barrier resources. The U.S. Fish and Wildlife Service maintain the official maps. The maps are updated every five years.

<http://www.fws.gov/cep/cbrunits.html> – listing of Coastal Barrier Resources System communities

3.7.2 Coastal Zone Management Area

Background

The Coastal Zone Management Act (CZMA) of 1972 establishes the national program to plan comprehensively for, and manage development of, the Nation's coastal land and water resources. The Act provides for a national policy to preserve, protect and develop, and where possible to restore or enhance the resources of the Nation's coastal zone. "Coastal zone" includes the coastal waters and the adjacent shore land "strongly influenced by each other and in proximity to the shorelines of the coastal states, and includes islands, transitional and inter-tidal areas, salt marshes, wetlands, and beaches." It includes the coastal waters and shore lands of the Great Lakes.

Pennsylvania has two coastal zones: Within one mile of the shore of Lake Erie and within one mile of the Delaware River in Delaware, Philadelphia, and Bucks Counties.

The CZMA is administered by the National Oceanic & Atmospheric Administration's Office of Ocean and Coastal Resources Management (OCRM), which is part of the Department of Commerce. However, this duty has been delegated to the PA Department of Environmental Protection (DEP).

Implementation

If the project is within the CZM area, request comments from the PA CZM program. Forward any questions with regard to activities within a designated area to the Program Environmental Coordinator (PEC) or the State Environmental Coordinator (SEC).

The web site for the National Oceanic and Atmospheric Administration is
<http://www.ocrm.nos.noaa.gov/>

Agency Jurisdiction:

State and Federal Level

National Oceanic and Atmospheric Administration (NOAA)
14th Street & Constitution Avenue, NW
Room 6217
Washington, DC 20230
Telephone: (202) 482-6090
Fax: (202) 482-3154

Pennsylvania Coastal Zone Management Program
P.O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105-2063
Telephone: (717) 772-4785
Fax: (717) 783-4690

3.8 Socio-economic Considerations

Environmental Justice

Background

Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed in February 1994. It requires Federal agencies to focus attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. Other references are: RD Instruction 2006-P issued on March 1, 1995; Department Regulation 5600-2 issued on December 15, 1997; RD AN No. 3776 (2006-P) dated August 1, 2002.

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment, do not directly, or through contractual or other arrangements, use criteria, methods or practices that discriminate on the basis of race, color, or national origin.

Implementation

To the greatest extent possible, the agency must work within its existing environmental and programmatic frameworks to ensure environmental justice and participation of minority and low-income populations in decisions that affect their health or the equality of their environment.

Environmental justice issues arise where an action may involve a disproportionately high and adverse environmental or human health effect on an identifiable low income or minority population. The determination of whether a particular program or activity raises an environmental justice issue depends on an evaluation of the totality of the circumstances.

In determining if an effect on a minority and/or a low-income population is disproportionately high and adverse, you should consider whether the adverse effect is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

If adverse effects are determined, then appropriate mitigation measures should be developed in consultation with affected communities and groups, and should provide for ongoing participation and coordination as the measures are implemented. Mitigation measures should include steps to avoid, mitigate, minimize, rectify, reduce, or eliminate the impact associated with a proposed action.

Compliance with environmental justice requirements must be documented with all environmental documents with the exception of Single Family Housing.

Implementation Procedure:

- The preparer of the environmental document completes the information on Form RD 2006-38 and includes cross reference in the environmental review documentation prepared pursuant to 7 CFR 1940-G and 7 CFR 1794. The form should contain specific statement that the project will or will not have any disproportionate effect on the low-income and minority communities.
- Supporting documentation such as census data for the census tract covering the Area of potential impact and a map of the service area to be impacted must be attached to Form RD 2006-38. On a USGS base map or other readable scale map identify the proposed project location, the area of potential impact (direct impact area), and any nearby adverse environmental hazards (waste dumps, treatment facilities, Brownfield, industrial facilities producing hazardous materials etc.). Also show any area with concentration of low income or minority population.
- Upon completion of the environmental review documents, the certifying official signs the Form. The State Director or an official designated to certify on his or her behalf, is the certifying official at the State Office level. The loan approving or servicing official can certify those actions completed at the field offices that do not require State Office approval. Since it is an Agency certification, it should not be signed by the consultants.

Contacts

Individuals or community leaders may be contacted during the environmental assessment process for assistance in determining whether a proposed action will have any adverse effects on a low-income or minority community.

U.S. Bureau of the Census: <http://www.census.gov/>

National Environmental Justice Advisory Council:

<http://www.epa.gov/compliance/environmentaljustice/nejac/>

Office of Environmental Justice Compliance and Enforcement:

<http://www.epa.gov/compliance/>

3.9 Air Quality

Background

Federal Agencies must consider air quality when assessing the impact of their actions on the environment (Section 102 (2) (C) of the National Environmental Policy Act of 1969). Project emissions, including those created by secondary beneficiaries, shall be examined for conformance to the Clean Air Act and the Environmental Protection Agency's National Primary and Secondary Ambient Air Quality Standards.

Air pollution comes from many different sources: stationary sources such as factories, power plants, and smelters, and smaller sources such as dry cleaners and degreasing operations; mobile sources such as cars, buses, planes, trucks, and trains; and naturally occurring sources such as windblown dust, and volcanic eruptions, all contribute to air pollution. Air Quality can be affected in many ways by the pollution emitted from these sources. These pollution sources can also emit a wide variety of pollutants. The EPA has these pollutants classified as the six principal pollutants (or criteria pollutants). EPA, and other national, state and local organizations monitor these pollutants.

The Clean Air Act provides the principal framework for national, state, and local efforts to protect air quality. Under the Clean Air Act, the Office of Air Quality Planning and Standards (OAQPS) is responsible for setting standards, also known as national ambient air quality standards (NAAQS), for pollutants which are considered harmful to people and the environment. OAQPS is also responsible for ensuring that these air quality standards are met, or attained (in cooperation with state, Tribal, and local governments) through national standards and strategies to control pollutant emissions from automobiles, factories, and other sources.

The Agency in Pennsylvania that monitors air quality is the Air Quality Branch of the Department of Environmental Protection.

Agency Jurisdiction: State and Federal Level

US Environmental Protection Agency, Region 3
Office of Enforcement, Compliance and Environmental Justice
1650 Arch Street (3CG00)
Philadelphia, PA 19103-2029
Telephone: 215-814-2950
Fax: 215-814-2905
<http://www.epa.gov/region03>

Department of Environmental Protection - Air Quality Branch
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17105
(717) 787-2814

3.10 Transportation

Review the potential impact of the project on the transportation patterns within the surrounding community. Traffic control devices, access to State Roads, safety considerations, fuel and chemical delivery requirements, and tall structures near airports are some of the topics for consideration.

Normally, contact with these agencies is only necessary if there may be a potential impact.

Information Sources:

U.S. Department of Transportation, Federal Highway Administration
<http://www.fhwa.dot.gov>

Federal Aviation Administration, (local coordinators): <http://www.faa.gov>

PA Department of Transportation, Regional offices: <http://www.dot.state.pa.us/>

3.11 Noise Control

Background

The traditional definition of noise is “unwanted sound.” Noise is typically not an issue with FSA financed operations. Two types of noises that are potentially associated with agency funded activities include: 1) noise created by the proposed project, and 2) noise created by external sources such as highways, trains, airports and equipment/machinery. There may be short-term impacts during construction activities that will cause excessive noise that may exceed acceptable levels. Consideration should also be given to noise produced by air blowers and generators in treatment plants. Noise is measured in decibels. There are potential mitigation measures that can be incorporated into loan documents. These may include permanent planting of trees or installation of artificial sound barriers.

In 1972, EPA established its office of Noise Abatement and Control. In 1982, the Noise Program was phased out and the responsibility for noise abatement and control was delegated back to State and Local government.

Implementation

During the preparation of the environmental review document, the level and duration of sound must be considered as well as the time of the day the sound will be present. It is important to examine the total range and combination of noise resources and not to focus unduly on any one source. The HUD Noise handbook will be used to calculate noise impacts when appropriate. If noise is identified in the review process as a potential issue, the Agency official should contact the State Environmental Coordinator for assistance. The following web site may be useful with regard to noise resources:

Noise Pollution Clearinghouse - <http://www.nonoise.org>

Contacts

State Environmental Coordinator
USDA Rural Development
Suite 330, One Credit Union Place
Harrisburg, PA 17110-2996
Telephone: (717) 237-2291
Fax: (717) 237-2191



3.12 Wild and Scenic Rivers

Background

The National Wild and Scenic Rivers Act institutes a national wild and scenic river system of selected streams that possess outstanding scenic, recreational, geological, fish and wildlife, historic, cultural, or similar values. The Act provides for preservation of free-flowing (without impoundments) conditions and for the protection of rivers designated under the act as wild, scenic, or recreational.

The Federal legislation provides for review of federally-assisted water resource projects and projects with potential adverse affects to Wild and Scenic Rivers by the U.S. Department of Interior (USDOI), USDA and Congress. Federal loan, grant or other assistance for project construction may not proceed without assurance that the project will have no direct adverse effects on a designated river's special values.

Implementation

The National Wild and Scenic Rivers Act requires that "In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to protect national wild, scenic and recreational river areas." The National Parks Service has compiled and maintains a National Rivers Inventory (NRI), a register of river segments that potentially qualify as national wild, scenic or recreational river areas. The NRI identifies river corridors with one or more outstanding scenic, recreation, fish, wildlife, botanical, historic, cultural, geologic or other values. The Agency must take care to avoid or mitigate adverse effects of river segments identified in the Inventory. Also the Agency must consult with the Regional Office of the National Park Service prior to taking actions which could effectively foreclose wild, scenic or recreational status for rivers on the Inventory. Adverse effects on NRI river segments may occur under conditions that include, but are not limited to:

- Destruction or alteration of all or part of the free flowing nature of the river;
- Introduction of visual, audible, or other sensory intrusions which are out of character with the river or alter its setting;
- Deterioration of water quality; or
- Transfer or sale of property adjacent to an inventoried river without adequate conditions or restrictions for protecting the river and its surrounding environment.

If the project is in close proximity to a river, the PA State Wild and Scenic River program should also be consulted for potential impact on designated river segments and classifications.

Agency Jurisdiction: State and Federal Level

Northeast Regional Office
National Park Service
U.S. Custom House
200 Chestnut St., Philadelphia, PA 19106
Telephone: (215) 597-7013
The web site is <http://www.nps.gov/rivers>



Department of Conservation and Natural Resources
Scenic Rivers Program
Web site: www.dcnr.state.pa.us/brc/rivers/scenicrivers/



3.13 Miscellaneous Environmental Considerations

3.13.1 Hazardous Substances

Background

The Agency must consider the potential impact of hazardous substances including liability and economic risks posed by the presence of hazardous materials. On a collateral property, contamination may impact the market value of the property. In case of a construction project, the cost of the project could considerably increase due to clean up requirements or the protection of personnel. In addition, it could also raise health hazard concerns.

The process of evaluating real estate for the presence of contamination is called "due diligence." It is further defined as:

The process of evaluating real estate for the presence of contamination from release of hazardous substances, hazardous waste, petroleum products, or other environmental hazards and determining what effect, if any, the contamination has on the regulatory status or security value of the property.

Some of the hazardous substances that require consideration include:

- Hazardous wastes, including medical wastes & petroleum products
- Hazardous chemicals used in manufacturing/treatment
- Sludge containing hazardous/toxic materials
- Leaking underground storage tanks
- Asbestos containing materials
- Lead based paints
- Radon

Implementation

When visiting property or project area Agency staff members, fee appraisers and preparers of the environmental assessments should be alert for any hazardous substances that might be present. If the presence of hazardous substance is suspected as a result of the site visit or from conversation with individuals knowledgeable about the property, the loan approval official should be informed.

If the project **involves real estate transaction of a property suspected of containing hazardous substances**, the Loan Approval Official must initiate a "due diligence" review. An appropriate tool for the review is the Transaction Screen Process (TSP) developed and published as a standard by the American Society of Testing and Materials (ASTM). The Transaction Screen Questionnaire (TSQ), ASTM Standard E-1528-00 is the standardized form adopted by the Agency to document our "due diligence" efforts. This form needs to be completed in order to document our review. Visit EPA web site <http://www.epa.gov/enviro/html/> for assistance in completing questions 21 & 22. Attach copy of the TSQ with the appraisal report and the environmental assessment. If the completed TSQ suggests possible presence of

hazardous substance send a copy of the TSQ along with a memo explaining the situation, to SEC for further evaluation and guidance.

Prior to acquiring property through **foreclosure**, RD staff should complete the TSQ.

In case of projects that use, store or produce hazardous chemicals, medical waste hazardous waste or sludge containing hazardous/toxic materials, the plans for storage and disposal should be discussed. If necessary, DEP and/or EPA may need to be contacted. Note that if hazardous materials are involved, the 500-year flood plain may need to be considered in lieu of the 100-year flood plain.

Where applicable, discuss the potential impact due to leaking under ground storage tanks (LUST), asbestos containing materials, lead-based paints and radon.

Visit DEP web site for information on storage tank registration program for regulated underground and above ground storage tanks.

Refer Single Family Handbook HB-1-3550 Paragraph 15.7.A.4 for storage tanks, & Paragraph 15.9.C for lead-based paint.

Rural Development employees may use the Lead Based Paint eKey posted at the intranet site: <http://teamrd.usda.gov/>

Suggested Web sites:

For hazardous waste, (EPA): <http://www.epa.gov/ebtpages/wasthazardouswaste.html>

Hazardous materials, storage tanks (LUST), Asbestos containing materials and radon (DEP): <http://www.dep.state.pa.us/> click on 'subject'

